

STORY OF KING DAVID AND ORCHARD CAUGHT IN ORCHARD

Continued from Page 1.

Unsuccessful Attempt.

Orchard fixed the date of his second Caldwell visit as some time in November, 1906.

Unsuccessful Attempt.

"Well, if you and Simpkins went to Caldwell in November to kill Steunenberg, why didn't you do it?" demanded Attorney Richardson.

Unsuccessful Attempt.

"We did make an attempt, but it wasn't successful."

Unsuccessful Attempt.

"Simpkins then went back to Wallace, saying it wouldn't be good for either himself or Orchard if they were caught in company."

Unsuccessful Attempt.

"Simpkins had agreed to come," Orchard continued, "but he began to get scared after we were on the ground."

Unsuccessful Attempt.

"Now as a matter of fact," asked Richardson, "was Simpkins with you any longer than it required him to visit the federal house at Hialeah and Silver City?"

Unsuccessful Attempt.

"He was with me at Caldwell about a week."

Unsuccessful Attempt.

"All at once?"

Unsuccessful Attempt.

"No, he was there twice."

Unsuccessful Attempt.

"Simpkins started for home about Dec. 1, 1906, and Orchard said he had not seen him from that day to this. While in Caldwell, Simpkins helped him manufacture a bomb."

Unsuccessful Attempt.

"Was that the bomb which killed Steunenberg?"

Unsuccessful Attempt.

"It was the same powder. I later changed the casing from wood to tin."

Unsuccessful Attempt.

Orchard denied that he had ever tried to sell what he claimed was a non-freezable explosive.

Unsuccessful Attempt.

Orchard also left Caldwell after the failure of the attempt with Simpkins.

Unsuccessful Attempt.

He called Bill Easley of Silver City up on the telephone, and asked him if he didn't want to come over to Caldwell and take part in a contract.

Unsuccessful Attempt.

Easley declined, saying he was too busy at home.

Unsuccessful Attempt.

Orchard then went to Salt Lake to get a man named Shoddy to help him. Shoddy, however, could not be found.

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Returning to Caldwell alone, Orchard went to the Saratoga hotel, where he became acquainted with the employees of the place. He made no effort at concealment.

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Richardson wanted to know why it was that with plenty of opportunity to fall Steunenberg on one of the governor's trips to his sheep ranches, Orchard had decided to use a bomb in the assassination.

Unsuccessful Attempt.

"Well, I got disgusted with myself at not being able to get him, so I finally decided to use the bomb," said Orchard.

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"But you took the materials for a bomb when you first went to Caldwell?"

Unsuccessful Attempt.

"Yes, sir."

Unsuccessful Attempt.

"And you intended to use a bomb from the first?"

Unsuccessful Attempt.

"Yes, sir, if the opportunity offered."

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Attorney Richardson jumped over the details of placing the bomb at the Steunenberg residence, and asked him if he didn't want to come over to Caldwell and take part in a contract.

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Not Told of His Rights.

"Where were you put when you reached the penitentiary?" he asked.

"In the new cell house."

"What sort of cell?"

"A steel cage."

"The walls were solid, the front and door were barred."

"You were in solitary confinement?"

"No, sir. I could speak to the man in the next cell and to the guard in front."

"You couldn't see the man next door, could you?"

"Yes, when he went out in front."

"Who was the man next door?"

"Bob Wedder."

"A condemned murderer?"

"Yes."

"And for the most part the guard outside your cell sat silent?"

"No, sir. He spoke a good deal to the man next door and he spoke to me often."

"Where were your meals served?"

"In the cell."

"They were passed into you the same as to the condemned murderer?"

"Yes, sir. The door was opened and the meals were handed in."

"Orchard said his cell was 5x7 feet."

"You were not allowed to exercise or leave your cell?"

"No, sir; not at first."

"And you were not allowed to read?"

"No, sir. I had new books from the library."

"No newspapers?"

"No, sir. After you had been in confinement ten days, who first came to see you?"

"Mr. McParland."

"Did you know him—that he was a Pinkerton?"

"No, sir, until that time."

"So he came and sat outside your cell door?"

"No, sir. I was taken to the clerk's office and saw him there."

"Orchard said he complained to McParland about being placed in the penitentiary. He told the detective the authorities had no right to put him in the penitentiary as he had not been tried or convicted."

"Did McParland talk to you about your past life?"

"And his past life?"

"Yes, sir."

"And the Molly McGuire?"

"No, sir; not at first."

"Did he first talk of the Bible?"

"Yes, sir."

"No, sir; not at first. He did talk later about the Bible."

"And McParland told you about King David who was a murderer, and became a man after God's own heart?"

"He told me about King David, yes, sir."

"And about what a bad man St. Paul was?"

"Yes, sir."

"You hadn't given orders not to admit your attorney, had you?"

"No, sir."

"Orchard said McParland told him he believed the Western Federation of Miners was responsible for the murder of Steunenberg."

"He told me you were just a tool, didn't he?"

"Yes, sir. He said he knew I was guilty of the Steunenberg murder, and that others were connected with me."

"Orchard declared that his talks with McParland may have induced him to tell his story earlier than he otherwise would have done, but he had made up his mind to do it."

"I didn't want to live any longer in that way," he went on, "and I was tempted to tell my story as early as I could."

"But you changed after talking with McParland and wanted to save yourself by putting the crime on somebody else?"

"Yes, sir."

"Saved by Religion."

"No, sir. I had no thought of getting out of it by laying it on anybody else. I wanted to think about my past life and the unnatural monster I had been and I didn't care much what happened to me."

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McParland in Coal Fields.

"Didn't McParland tell you that up to the time he was sent into the anthracite coal fields there had been but three murders there, but after he became a member of the miners' union and the Molly McGuire there were twenty or more?"

"No, sir," said Orchard.

"Before the witness was allowed to answer the question, however, there came a protest from Attorney Hawley for the state, who declared that no latitude of cross-examination gave counsel the right to put an imaginary conversation into the mouth of a witness and thus prejudice the jury despite the fact of denial of any such conversations."

Richardson, in reply, declared that Orchard had been "fitted for his examination," was an accomplice and a master criminal, but was now trying to help the state.

"If there has been influence or inducement as to securing this evidence, we have a right to inquire into it," the attorney concluded.

Judge Wood said he would allow the widest latitude.

"Didn't McParland tell you that every man of the Molly McGuire who turned state's evidence was allowed to go free?"

"I don't know that he did. Some of them escaped."

"Did he promise you \$500 or \$800 if you confessed and involved others?"

"No, sir, he did not."

"But that was the impression left upon you?"

"I don't know that there was any impression that I doubted the truth of what he told me about the men."

"Sunday School Experience."

Richardson took Orchard to his home in Canada, and asked him if he had not been connected with a Sunday school. Orchard replied in the affirmative but said he never had been connected with the school.

"I don't know that he was a witness, but he often went to church with the young man to Quaker meetings with his first wife."

"Did you belong to the church when you ran away with another man's wife and sold short weight cheese?"

"No, sir."

"Did you ever parade with the Salvation Army?"

"No, sir."

Orchard said McParland told him he was something like a doctor, and that he had been a doctor for the state.

"That Kelly had gone free. After McParland began to visit him Orchard remained in the same cell as before, and was served from the guard's kitchen—the ordinary prison fare."

"Did you ever hear McParland use profane language?"

"Yes, sir."

"And tell Bible stories at the same time?"

"I heard him tell Bible stories, too."

"You had heard them before?"

"I had read the Bible some, but had forgotten it."

"Question of Immunity."

Orchard said McParland told him he was in a position to do the state a great deal of good and that the state usually acted fair with its witnesses.

"And you felt you were safe if you helped the state?"

"I was in doubt as to what he told me about the state using its witnesses so well."

"Didn't it leave an impression on you?"

"It may have, but I don't know."

Orchard said McParland offered him cigars, but he didn't smoke. It was on the third visit that Orchard told McParland he had been a murderer.

"Did he tell you that he had been a murderer?"

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